

THE HIGH COURT
OFFICE OF THE LEGAL COSTS ADJUDICATORS



Supporting Access to Independent,
Impartial and Objective Resolution
of Legal Costs Disputes

in a modern, digital Ireland

STRATEGIC PLAN 2023 – 2026



**Second Strategic Plan Published by the Chief Legal Costs Adjudicator
with the support of the Courts Service**

Editors:

Chief Legal Costs Adjudicator

Paul M. Behan

Assistant Principal Officer assigned to the Chief Legal Costs Adjudicator

Sarah Ann Behan

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FOREWORD



Foreword by the Chief Legal Costs Adjudicator

In accordance with one of my obligations, as Chief Legal Costs Adjudicator and in accordance with s.144 of the Legal Services Regulation Act 2015, I am pleased to present the second three-year strategic plan covering the period 2023-2026.

A key function of the office, is to ensure that disputes on legal costs are resolved in a timely, transparent and fair manner. Access to justice requires that the providers of legal services can maintain such a service by having a throughput of cases through Adjudication, if necessary, maintaining sufficient resources to provide legal advice to those who need it.

I also wish to place on record my deep thanks to the staff within the office. They could not have been more accommodating, nor shown more professionalism and goodwill in their approach.

Paul M. Behan
Chief Legal Costs Adjudicator

1. Introduction

This Strategic Plan, has been prepared taking due cognisance of the current reform environment within the Public Sector and by extension the Courts Service. The plan outlines the proposed strategic direction of the Office of the Legal Costs Adjudicators for the period 2023-2026. It identifies the office's mission and vision for the future and sets out the key strategic objectives for performance of the functions of both the Chief Legal Costs Adjudicator and Legal Costs Adjudicators. The plan, while focusing on the objectives of the office, is also allied to ensuring the most effective and efficient use of resources. Furthermore, it describes the key values that will inform the culture of the Office as it grows and develops its capacity to support access to Justice, by delivering effective and efficient access to independent, impartial and objective resolution of disputes on legal costs.

2. Mission, Vision and Values

2.1. *Our Mission*

To enable access to independent, impartial and objective resolution of legal costs disputes. Through the provision of a courteous and professional service in the performance of its statutory function. To maintain and provide transparency throughout the process from inception to completion, with reasoned outcomes being published, in so far as is permitted by the law, and accessible via the register of determinations, so as to inform both legal practitioners and the public. It is our mission to provide this service in a timely manner, providing and supporting access to justice.

2.2. *Our Vision*

As the number of adjudications continue to be completed and the register of determinations updated, an extensive body of information will be publicly available to inform the public and practitioners of the range of legal costs, the manner in which they are determined and the reasons underlying the determination.

2.3. *Our Values*

We are committed in performing our functions and fulfilling our responsibilities, to independence, fairness, integrity, professionalism, innovation and accountability. Our strengths derive from the expertise of the staff within the office. With a commitment to improving services, adapting innovative processes and adherence to best practices and developing strategies for improvement. We are committed to identify problems on a timely basis and supporting this by developing solutions.



3. Who We Are, What We Do?

Part 10 of The Legal Services Regulation Act, 2015 was commenced on 7th October 2019 (Commencement of Certain Provisions) (No.2) Order 2019. S.I No. 502 of 2019. The statutory powers, functions and duties of the Office, derive from Part 10 and Schedule 1 of the Legal Services Regulation Act, 2015. These statutory powers are underpinned by the Rules of the Superior Court (Costs) 2019.

By its statutory powers, the Office of the Legal Costs Adjudicators deals with disputes on legal costs, usually but not always, as between parties involved in litigation in the Superior Courts.

Circuit Court costs arising in proceedings are determined by County Registrars, as is provided in s.141 of The Legal Services Regulatory Act, 2015 and the Circuit Court Rules.

Disputes as between legal practitioners and their clients fall within the remit of the Office of the Legal Costs Adjudicators.

The Legal Costs Adjudicators have a duty to hear and determine disputes relating to the amount and whether costs are reasonable. It is important to note that the Office does not have the power to deal with matters of poor or inadequate services, complaints relating to misconduct, such matters are currently dealt with by the Legal Services Regulatory Authority.

4. Office of the Legal Costs Adjudicators Governance Structure



5. Office of the Legal Costs Adjudicators Management Structure



6. Key Challenges, Risks, Strengths and Opportunities in our operating environment

The Office of the Legal Costs Adjudicators is a statutory office. The Office is part of the wider courts system and plays a role in supporting access to Justice. It is a frontline, service focused office, providing support to the Legal Costs Adjudicators in the delivery of independent, impartial and objective determination of legal costs, in a modern, digital Ireland.

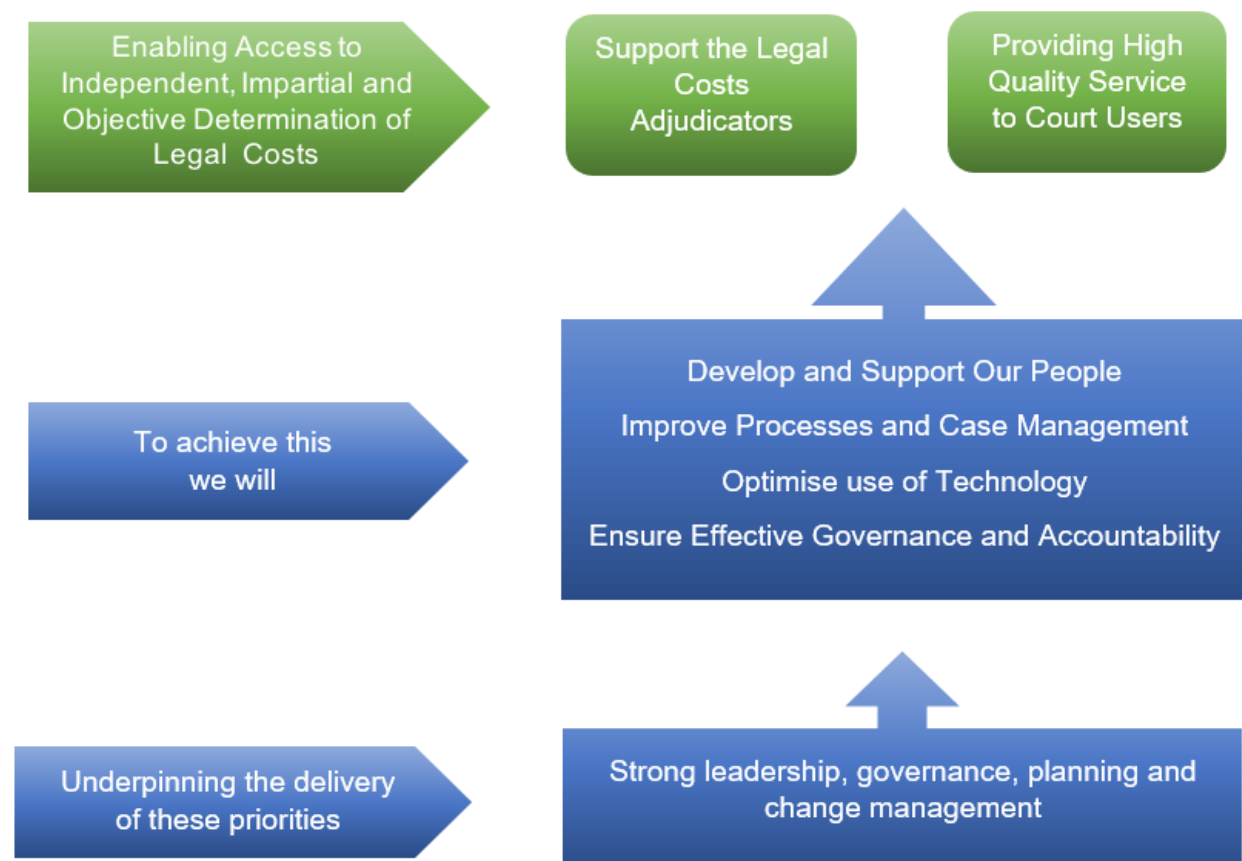
1) Office of the Legal Costs Adjudicator - Challenges and Risks

- Delivery of the offices mandate and reform agenda is dependent on the provision of necessary resourcing from the central government and by extension the Courts Service. In this regard the Courts Service and by extension the office will be competing with demands from all public sector organisations for funding and resources, as part of the Government budgetary process.
- Some office reforms will be dependent on enactment of legislative reforms. Conversely changing external demands and priorities can, at times, take precedence over the implementation of office priorities and by extension the Courts Service priorities leading to an unanticipated delay in enactment of required legislative reform.
- Potential knowledge drain within the office, due to increased staff turnover from retirement, resignation, promotion and mobility. Management of this will be key.

2) *Office of the Legal Costs Adjudicator - Strengths and Opportunities*

- The Courts Service has a learning and development strategy in place. This uses a focused approach to learning and development, leadership and management skills training. These capabilities are used in managing the knowledge retention and reform agenda of the office, in a manner that serves to promote long term sustainability.
- With the recent implementation of the Courts Service Desktop Migration project the office can optimise on digital services and solutions. This will assist with the continuing work to engage with public services online via digital media, in line with Public Sector ICT and eGovernment policies.
- The Office of the Legal Costs Adjudicators will continue to work collaboratively with all users.

7. Office of the Legal Costs Adjudicators Strategy Map



8. Office of the Legal Costs Adjudicators Strategic Priorities

8.1. *Strategic Priority 1: Supporting the Legal Costs Adjudicators*

Supporting the Chief Legal Costs Adjudicator and the Legal Costs Adjudicators is a statutory obligation of the Courts Service. It is a key strategic priority in its own right.

Objectives and Actions:

1) Support the Adjudicators in the administration of determination of Legal Costs by:

- Engage with the Legal Costs Adjudicators to provide support, improve efficiencies and enable them to fulfil their duties.
- Assisting the Chief Legal Costs Adjudicator in the accurate and timely updating of the Register of Determinations, per statutory requirements.

8.2. *Strategic Priority 2: Providing High Quality Service to Court Users*

A core part of our mission is the provision of excellent services to court users. The Office of the Legal Costs Adjudicators is involved either directly or indirectly in providing services to a wide range of court users, including legal costs accountants, legal practitioners, other public bodies, non-governmental agencies as well as directly to members of the public. We strive to provide a consistent, impartial, high level of customer service.

Objectives and Actions:

1) Develop clear definitions of customer service standards to support excellent and consistent customer service levels by:

- Have resources in place to facilitate online applications for Adjudication and to assist professionals and members of the public who engage with the office.
- Creating and finalising an office customer service charter in line with the Court Services customer charter.

2) Develop and communicate legal costs adjudication information effectively to all court users by:

- Promoting use of our office website homepage on www.courts.ie to provide reliable, up to date and user-friendly access to information.

3) Contribute to policy improvement in the area of legal costs adjudication by:

- Noting procedural obstacles and anomalies and devising strategies for resolution.

8.3. *Strategic Priority 3: Develop and Support Our People*

We will continue to invest in and support our staff to ensure a skilled, high-performing office delivering quality services to Stakeholders.

Objectives and Actions:

1) *Be a place where people are proud to work and be an office of choice by:*

- Continuing the upkeep of the localised induction programme to integrate new staff joining the office, running in tandem with the Courts Service induction programme.
- Ensuring support for managers in managing the probation process and training programmes.
- Using coaching culture through development of managerial coaching skills, thus equipping staff to innovate new ways of working.
- Promoting equality, dignity and wellbeing for staff by implementing Civil Service policies on wellbeing, equality, diversity and dignity at work.

2) *Develop and enable our workforce to achieve their career goals and the goals of the office and Courts Service in delivering an excellent service to the Adjudicators and to the public by:*

- Implementing succession planning, to ensure continuity of business, when staff move due to promotion, mobility, resignations or retirements.
- Continuing structured on the job training by monitoring and updating of a clear framework for knowledge transfer.
- Utilising performance management with a focus on regular and effective conversations between managers and staff.
- Optimising work practices and procedures to govern in line with the current legislative regime and ICT system.
- Fostering an environment of innovation and continuous learning and development to ensure staff have the management, technical and legal skills and knowledge to discharge their roles in an effective and professional manner.

8.4. *Strategic Priority 4: Improve Process and Case Management*

Working with the Adjudicators and other stakeholders to continue to support improved access to justice through case management, collaboration and reform.

Objectives and Actions:

1) *To assist and progress improved case management and waiting times by:*



- Optimising use of digital solutions to deliver improved case management and waiting times.
- 2) *Working with the Department of Justice and Equality, Legal Costs Accountants, Legal practitioners and their representative bodies and all other stakeholders in contributing to civil law reform by:*
 - Contributing to the development of legislative reform as required.

8.5. Strategic Priority 5: Optimise Use of Technology

We will optimise the use of technology to improve service delivery for all stakeholders, by expanding the range of services provided on-line, through digital means as developed by the Courts Service.

Objectives and Actions:

- 1) *Generating efficiencies from increased use of online service delivery using Courts Service On-Line (CSOL) platform by:*
 - Optimising use of E-filing system through continued delivery of information of the facility.
 - Noting and troubleshooting user obstacles
- 2) *Generation and utilisation of targeted data from Courts Service On-Line (CSOL) platform to optimise processes and increase overall efficiency of system by:*
 - Using statistical report functionality to deliver targeted data for statistical returns, as well as for inclusion in Annual Report and provision of evidence-based data for identified future improvement projects.

8.6. Strategic Priority 6: Ensure Effective Governance and Accountability

Effective governance and accountability are priorities for the Office of Legal Costs Adjudicators.

Objectives and Actions:

- 1) *Ensure compliance with the Code of Practice for the Governance of State Bodies 2016 and other regulatory frameworks by:*
 - Continue oversight arrangements as agreed with the Chief Executive Officer of the Courts Service and by extension the Department of Justice and Equality.
 - Maintaining effective operation of risk management for the office.

- Ensuring Office is compliant with the General Data Protection Regulation (GDPR), Data Protection, Act 2018.

2) *Demonstrate transparency and accountability in the handling of court fees and duty associated with the legal costs adjudication process by:*

- Completing and publishing the Office's Annual Report
- Progressing the development of improved financial reporting to provide clear and transparent data.

9. Positive Outcomes

The following are the planned positive outcomes from the implementation of this Strategic Plan over the next three years:

Stakeholder Group	Benefits
Service Users	<ul style="list-style-type: none"> ✓ Continued reduced waiting times. ✓ User centric simplified and standardised processes. ✓ Simplified and easy to understand communications. ✓ Further Transparency in the area of legal costs. ✓ Greater certainty in relation to how costs are determined.
Managers & Staff	<ul style="list-style-type: none"> ✓ Increased focus on capabilities and skills development ✓ Collaborative, challenging supportive environment ✓ Opportunities to use leading-edge tools and techniques
Department of Justice & Equality (DJE)	<ul style="list-style-type: none"> ✓ Delivery of transparency in the area of legal costs through the online searchable register of determinations
Legal Profession	<ul style="list-style-type: none"> ✓ Online access to case information ✓ Online searchable register of determinations ✓ Continued transparency in the area of legal costs ✓ Greater certainty in relation to how costs are determined ✓ Online (24*7) access to digital services
Department of Public Expenditure & Reform (DPER)	<ul style="list-style-type: none"> ✓ Demonstrating value for money. ✓ Better quality performance data. ✓ Clarity on demand for administration and quasi-Judicial resources.

10. Monitoring Implementation

1) Key to successful implementation of this strategy will be:

- Annual Office Business Plan translating high level strategic objectives into key deliverables.

2) Reporting on implementation with the achievement of key milestones will be by way of:

- Annual Office Report to the Chief Executive Officer of the Courts Service
- Quarterly reports to the Senior Management Team of the Courts Service on the implementation of the Business Plan.
- Ongoing monitoring of delivery by Head of Office.

Oifig na mBreithneoirí Costas Dlíthúil,
An Árd Chúirt,
1ú Urlár, Teach na gCeannaithe,
27/30 Cé na gCeannaithe,
Baile Átha Cliath 8.

Office of the Legal Costs Adjudicators,
The High Court,
1st Floor, Merchants House,
27/30 Merchants Quay,
Dublin 8.

Teileafón/Telephone: 01 888 6301, Facsuimhir/FAX: 01 672 8670, DX 1001 Four Courts,

Ríomhphost/E-mail: info_legalcostsadjudicators@courts.ie